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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

NOURI E. HAKIM

CIVIL ACTION NO. 02-1371

VERSUS

JUDGE ROBERT G. JAMES

CANNON AVENT GROUP, PLC, ET AL

MAG. JUDGE JAMES D. KIRK

MEMORANDUM ORDER

On July 19, 2007, Magistrate Judge James D. Kirk issued an Order denying Plaintiff's Request for Reconsideration of Lifting of the Stay of Taxation of Costs and Its Objections to Defendants' Bill of Cost. [Doc. No. 159].

Pending before the Court is Plaintiff's appeal of Magistrate Judge Kirk's Ruling [Doc. No. 165].

The Fifth Circuit has not addressed what standard of review should be applied to a district court's review of a magistrate judge's ruling on a motion taxing costs. However, district courts in this circuit have found that a motion taxing costs is a non-dispositive pretrial matter and have applied the clearly erroneous/contrary to law standard of review pursuant to 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 54(b). In re Central Gulf Lines, Inc., No. 97-3829, 2001 WL 476060, *4 (E.D. La. May 3, 2001)(reviewing magistrates order denying costs under a clearly erroneous standard); New York Life Ins. Co. v. Deshotel, No. 94-3278, 1995 WL 529838, *2 (E.D. La. Sep. 7, 1995); see also Estate of Connors by Meredith v. O'Connor, 6 F.3d 656, 657 (9th Cir. 1993); Scherer v. City of Merriam, No. 01-2092, 2001 WL 1155079, *5 (D. Kan. Sep. 5, 2001) ("Plaintiff asks for *de novo* review of [magistrate's ruling denying taxation of service costs] . . . [But] such matters are reviewed

to determine if the ruling was 'clearly erroneous or contrary to law.'").

Having conducted a review of the entire record, the Court finds that, under the facts and circumstances of this case, Magistrate Judge Kirk's order was not clearly erroneous nor contrary to law. Therefore, Plaintiffs' appeal [Doc. No. 165] is DENIED, and Magistrate Judge Kirk's Ruling is AFFIRMED.

MONROE, LOUISIANA, this 22 day of October, 2007.

A handwritten signature in black ink, appearing to read "Robert G. James", written over a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE